



CITY OF BRAZIL

Office of Planning and Zoning/Code Enforcement

*A. Ann Bradshaw, Mayor
Stacy Gibbens, Plan Administrator*

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City of Brazil Advisory Plan Commission Regular Meeting July 14, 2010 at 6:00 p.m.

Meeting called to order by Pat Heffner at 6:20 p.m.

Roll Call: Pat Heffner, present Bill Hammer, not present
 Bill Lovett, present Matt Pollum, not present
 Nancy White, present Veda Bussing, not present
 Lowery (Larry) Davis, present
 Stacy Gibbens, present
 Eric Wydham, present

Previous minutes reviewed. Motion to approve made by Bill Lovett, seconded by Eric Wydham. Unanimously approved.

Old Business:

Discussion of Rita Fortner continuing to use 1227 N. Forest Ave. as a business. Stacy advised that there had been complaints from the Bucks about Mrs. Fortner dispatching trucks from that location. The Bucks also advised that there is a small storage building on a trailer which has been parked there for many months and that last weekend Mrs. Fortner had a "garage sale" and used that building to display some of the stuff for sale. Stacy advised that early in her communications with Mrs. Fortner, she had discussed setting up a craft shop at that location to sell her daughter's crafts.

Stacy Gibbens explained that she had passed this complaint on to Robert Pell to ask his advice but had not heard back from him. Stacy said that since Mrs. Fortner won't listen to her or this planning commission, the next logical step would be to get the City Attorney involved, possibly to file an ordinance violation action against her.

Larry Davis asked if temporary vendors were supposed to get a permit to sell stuff in town. Stacy told the board there is an ordinance on the books which delineates the fee schedule for temporary (itinerate) vendors but that it is not enforced. Stacy told the board only one person actually complies with this ordinance, the guy who sells kettle corn at the corner of Vandalia and National. Nancy suggested this might be a good way for the City to make some money. Stacy agreed and advised that she had brought this to the attention of the Clerk. This ordinance does not fall under the planning and zoning codes so we as a board do not have the authority to enforce it.

New Business:

Election of officers: Pat Heffner nominated for President, seconded, unanimously approved. Nancy White nominated for Secretary, seconded, unanimously approved.

Discussion of future meetings. Eric asked that meetings be scheduled a little later due to his working in Indy. The Board agreed to start the meetings at 6:30 p.m. from now on. We decided that we would schedule the meetings on the second Wednesday before the council meetings unless we felt we needed more time than ½ hour. Stacy also advised that she would contact Brad Beaubien from Ball State and see if he can come to the next meeting to discuss our progress on the Comprehensive Plan.

Dr. Sally Sidman requested that the commission explain why there is a process for a variance in front of the Board of Zoning Appeals when the board is not willing to approve a variance. Members of the commission explained to her that the board's purpose was to decide whether or not a variance should be granted and it was their decision to make. Stacy explained to the commission that Dr. Sidman's boss, Jerry Laue, of St. Vincent's Clay Hospital had been in to see her and the Mayor today and that they suggested to him that Dr. Sidman come in front of the council to request the ordinance be changed if she did not like its restrictions. Dr. Sidman did not want the ordinance changed, she just wants her variance approved. Stacy advised that there is an administrative process to appeal the Board of Zoning Appeals' decision which is, basically, to file an action with the Court in the county the property is. Dr. Sidman was not willing to file an action with the Court either. She advised she would be waiting to speak with the Council regarding her concerns.

Motion to adjourn – Bill Lovett makes motion, Eric Wyndham seconded. Meeting adjourned. Next meeting scheduled for September 8, 2010 at 6:30 p.m.